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MAR 13 2006

**OFFICE OF PETITIONS**

In re Application of :  
Goswami, et al. : DECISION ON APPLICATION  
Application No. 09/782,604 : FOR PATENT TERM ADJUSTMENT  
Filed: February 14, 2001 :  
Atty. Dkt. No.: 056859-0117 :  
:

This is a decision on the "REQUEST FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705," filed November 22, 2004. This matter is being properly treated under 37 CFR 1.705(b) as a timely filed application for patent term adjustment.

The application for patent term adjustment under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct patent term adjustment (PTA) at the time of the allowance is 181 days. The Office will adjust the PAIR screen to reflect that the PTA determination at the time of mailing of the instant letter reflects an adjustment of 181 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from zero days, as indicated on the Determination of Patent Term Adjustment mailed August 23, 2004, to an adjustment of 257 days.

A review of the application history reveals that as of the time of allowance, an overall adjustment of 305 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(1), an adjustment of 296 days can be attributed to the Office for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. The adjustment began April 15, 2002, the day after the date that is 14 months after the date that the application was filed, and ended February 4, 2003, the date the restriction requirement was mailed. See 37 CFR 1.703(a)(1).

A further adjustment of nine days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2) for failure to respond to a

reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken. The adjustment began August 4, 2003, the day after the date that is four months after the date that a response to the restriction requirement was filed, and ended August 12, 2003, the date that the non-final Office action was mailed. See 37 CFR 1.703(a)(2).

The adjustment of 305 days is reduced a total of 124 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

The adjustment of 305 is reduced 91 days in accordance with 37 CFR 1.704(b) in connection with the reply filed December 13, 2001 in response to the Notice to File Missing Parts (Notice) mailed June 13, 2001. The reduction began September 14, 2001, the day after the date that is three months after the date that the Notice was mailed, and ended December 13, 2001, the date the reply was filed.

The adjustment of 305 days is further reduced 33 days in accordance with 37 CFR 1.704(b) in connection with the reply filed June 1, 2004 in response to the non-final Office action mailed January 29, 2004. The reduction began April 30, 2004, the day after the date that is three months after the date that the non-final Office action was mailed, and ended June 1, 2004, the date a reply was filed.

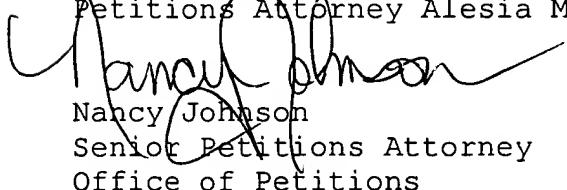
In view thereof, at the time of allowance, the application was entitled to an adjustment of 181 days.

Receipt is hereby acknowledged of the required Patent Term Adjustment application fee of \$200.00.

This application is being forwarded to the Publications Division for processing into a patent.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

  
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Office of Petitions  
Office of Deputy Commissioner  
for Patent Examination Policy